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**FACSIMILE SUBMISSION UNDER 37 CFR 1.8**

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TO:	Mail Stop Amendment	FROM:	Jason D. Kelly
COMPANY:	U.S. Patent & Trademark Office	DATE:	AUGUST 22, 2008
FAX NUMBER:	571-273-8300	TOTAL NO. OF PAGES INCLUDING COVER:	8
PHONE NUMBER:	571-272-4729	SENDER'S REFERENCE NUMBER:	1023-350US01
RE:	Response to Office Action dated May 5, 2008	YOUR REFERENCE NUMBER:	10/826,925

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PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kenneth T. Heruth; Confirmation No. 1024  
Keith A. Miesel  
Serial No.: 10/826,925  
Filed: April 15, 2004 Customer No.: 28863  
Examiner: Patricia C. Mallari  
Group Art Unit: 3735  
Docket No.: 1023-350US01  
Title: COLLECTING SLEEP QUALITY INFORMATION VIA A MEDICAL  
DEVICE

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CERTIFICATE UNDER 37 CFR 1.8 I hereby certify that this correspondence is being transmitted via facsimile to the United States Patent and Trademark Office on August 22, 2008.

By:

Name: Shirley A. Betlach

Mail Stop Amendment  
Commissioner for Patents  
Alexandria, VA 22313-1450

Sir:

We are transmitting herewith the attached correspondence relating to this application:

- ☒ Transmittal sheet containing Certificate of Facsimile
- ☒ Response (3 pgs.)
  - ☒ No additional fee is required
- ☒ Terminal Disclaimer (2 pgs.)
- ☒ Request for Extension of Time for one month (1 pg.)
- ☒ Please charge Deposit Account No. 50-1778 in the amount of \$250.00 (\$130.00 for Terminal Disclaimer and \$120.00 for Extension of Time).

Please apply any charges not covered, or any credits, to Deposit Account No. 50-1778.

Date: 8-22-08

By:

Name: Jason D. Kelly

Reg. No.: 54,213

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